

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

CAPITALPLUS EQUITY, LLC,)
)
)
Plaintiff)
and Counter-Defendant,)
)
v.) NO. 3:18-CV-10
)
)
THE ESPINOSA GROUP, INC.,)
JUAN ESPINOSA, CAROL)
ESPINOSA, MICHAEL ESPINOSA)
and JAMIJU, LLC,)
)
Defendants,)
and Counter-Plaintiffs.)

ORDER

Before the court is Plaintiff's Withdrawal of Its Motion for Summary Judgment Without Prejudice [D. 166]. Plaintiff asks to withdraw its Motion for Summary Judgment as the automatic stay that was placed on the Espinosa Group, Inc. has been lifted and there are new claims both parties wish to address. Defense counsel has agreed that withdrawal is appropriate.

Plaintiff's Withdrawal of Its Motion for Summary Judgment Without Prejudice [D. 166] is **GRANTED**. Accordingly, the Clerk of Court is **DIRECTED** to terminate Plaintiff's Motion for Summary Judgment [D. 89]. As a result, Defendants' Motion to Defer Ruling [D. 138], Motion to Exclude Declaration of W. Kent Carter [D. 139], and Motion to Exclude Affidavit of Scott Applegate [D. 141], as well as Plaintiff's Motion for Additional Time [D. 143], Second Motion for Additional Time [D. 149], and Third Motion for Additional Time [D. 152] are **DENIED as moot**, as these motions all relate to the Motion for Summary Judgment. Such actions are taken without prejudice as to refiling.

IT IS SO ORDERED.

ENTER:

Bruce Bryant
United States Magistrate Judge